

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2013-440995-001 DT

01/02/2014

COMMISSIONER JAMES RUMMAGE

CLERK OF THE COURT

D. Gaudio

Deputy

STATE OF ARIZONA

KATE M BOEHM

v.

TOMAS MUNOZ (001)

DOB: 08/26/1977

ADAM MATTHEW ZABOR

APO-SENTENCINGS-CCC

APPEALS-CCC

DISPOSITION CLERK-CSC

RFR

SUSPENSION OF SENTENCE - UNSUPERVISED PROBATION

9:19 a.m.

Courtroom SCT 3B

State's Attorney: Debra Harris for Kate Boehm

Defendant's Attorney: Adam Zabor

Defendant: Present

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

This is the time set for Sentencing in the above entitled cause number.

LET THE RECORD REFLECT the Defendant addresses the Court.

LET THE RECORD FURTHER REFLECT the Court has read and considered the presentence report and its recommendations as well as the plea agreement, including any sentencing stipulations of the parties.

Counts 1 and 2: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

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IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 1 (amended) Endangerment

Class 6 Designated Felony

A.R.S. § 13-1201, 28-3304, 28-3305, 28-3306, 28-3315, 28-3153(A)(5), 13-610, 12-114.01, 13-701, 13-702, and 13-801

Date of Offense: 03/15/2013

Non Dangerous - Non Repetitive

OFFENSE: Count 2 (amended) Driving or Actual Physical Control While Under the Influence of Intoxicating Liquor or Drugs

Class 1 Misdemeanor

A.R.S. § 28-1381(A)(1), 28-1381(J), 2-1444, 28-3304, 28-3305, 28-3306, 28-3315, 13-707, 13-802, and 41-1651

Date of Offense: 03/15/2013

Non Dangerous - Non Repetitive

IT IS ORDERED suspending imposition of sentence and placing Defendant on Unsupervised Probation to be monitored by the Adult Probation Department (APD) in accordance with APD's Compliance Monitoring Standards:

Count 1 Probation Term: 2 years

To begin 01/02/2014.

Count 2 Probation Term: 2 years

To begin 01/02/2014.

Conditions of probation include the following:

Condition 11 - Actively participate and cooperate in the following program(s):

MADD Victim Impact Panel Program

Condition 15: Restitution, Fines and Fees:

PROBATION SERVICE FEE: Count 2 - \$25.00 per month, beginning on a date to be determined by the Adult Probation Department.

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FINE: Count 2 - Total amount of \$457.50, which includes surcharges of 83%, payable in an amount to be determined by the Adult Probation Department per month beginning on a date to be determined by the Adult Probation Department.

DUI INCARCERATION COST: Count 2 - \$400.00, payable in an amount to be determined by the Adult Probation Department per month, beginning on a date to be determined by the Adult Probation Department.

PRISON CONSTRUCTION & OPERATIONS FUND: Count 2 - \$500.00, payable in an amount to be determined by the Adult Probation Department per month, beginning on a date to be determined by the Adult Probation Department.

Count 2: \$500.00 payable in an amount to be determined by the Adult Probation Department per month, to the Public Safety Equipment Fund pursuant to A.R.S. § 41-1723 beginning on a date to be determined by the Adult Probation Department.

PROBATION SURCHARGE: Count 2 - \$20.00 payable on a date to be determined by the Adult Probation Department.

Count 2: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00 payable on a date to be determined by the Adult Probation Department.

PENALTY ASSESSMENT - A.R.S. §12-116.04: Count 2 - \$13.00 payable on a date to be determined by the Adult Probation Department.

Investigative Agency: Glendale Police Department

All amounts payable through the Clerk of the Superior Court.

Condition 18 - Count 2: Be incarcerated in the county jail for 4 months, beginning 01/03/2014 with credit for zero days served. Not to be released until 05/03/2014.

Count 2: IT IS ORDERED Defendant self-surrender to the custody of the Maricopa County Sheriff on 01/03/2014 at 7:00 p.m. and authorizing the Sheriff to carry out the term of incarceration.

Report to the APD within 72 hours of release from jail. Comply with all program rules.

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IT IS ORDERED that the Defendant pay incarceration costs through the Clerk of the Superior Court in the total amount of \$400.00. Payment shall be made in regular monthly payments in an amount to be determined by the Adult Probation Department beginning on a date to be determined by the Adult Probation Department and on the first day of each month thereafter until paid in full.

Condition 22: Other - Defendant shall not possess or consume any substances containing alcohol.

IT IS FURTHER ORDERED that Defendant shall submit to fingerprint identification processing by the Maricopa County Sheriff's Office if directed to do so by the Adult Probation Department. The Adult Probation Department shall direct any Defendant placed on probation who has not already had a State Identification Number (SID) established to submit to fingerprint processing.

Defendant is advised pursuant to A.R.S. § 13-805 that failure to maintain contact with the Probation Department may result in the issuance of:

1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.
2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes in accordance with A.R.S. §13-610.

9:31 a.m. Matter concludes.

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ COMMISSIONER JAMES RUMMAGE  
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)